



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of
Inventor(s): Mills

Group Art Unit: 1745

App'n Ser. No.: 09/008,947

Examiner(s): Kalafut for
the Secret Committee

Filing Date: 01/20/1998

Title: HYDRIDE BATTERY AND FUEL CELL

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25 October 2007

NEW INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In connection with this Information Disclosure Statement, and others filed in this application, the undersigned and Applicant have made concerted efforts to cite in this application all relevant information that has come to their attention, either based on information in Applicant's own possession or provided by PTO officials responsible for examining his other pending cases. In furtherance of those efforts, the following description is provided of some of the actions they have taken to make all relevant information available to the PTO.

Regarding these matters, the undersigned and his co-counsel, Jeffrey A. Simenauer, have had numerous telephone discussions with Applicant regarding PTO requirements for disclosing relevant information relating to the prosecution of his patent applications. Counsel have also traveled twice in the past few years to visit assignee BlackLight Power Inc.'s business office and research facility in Cranbury, New Jersey and to meet with Applicant, Dr. Randell L. Mills and other BlackLight personnel, most recently on September 20, 2007. On both occasions, Counsel reminded Applicant of his duty of disclosure in connection with the requirements for submission of relevant information to the PTO in his pending patent applications. Counsel also advised

Applicant of recently implemented and proposed PTO rule changes and their potential impact on the prosecution of his cases. All relevant information that was brought to Counsel's attention during these and prior discussions of such matters has been made of record.

Due to the number of pending patent applications filed on behalf of Applicant, and the citation of various documents by different Examiners during the examination of those applications, Counsel have also undertaken extensive, periodic reviews of the application files in an effort to make certain that all such information has been submitted to the PTO in each case. Based on those reviews, Counsel have now prepared, and submit with this Information Disclosure Statement, a Master List representing what they believe to be a complete compilation of all information known to have been cited in Applicant's pending patent applications relating to his lower-energy hydrogen technology. This list includes what Counsel further believes to be irrelevant documents relating to "cold fusion," most of which were cited by the PTO in its attempt to associate Applicant's claimed invention with that controversial technology, which erroneous position it has not yet withdrawn. A copy of the Master List is provided in Attachment B.

Based on a comparison of this Master List to the documents cited in the present application, Applicant submits herewith those documents that have not yet been made of record. If there are any documents cited in one of Applicant's other pending cases that are not found on the Master List, or otherwise have not been submitted in this case, such omission is inadvertent, as no references have been intentionally withheld. Given that all of Applicant's pending patent applications relating to his novel hydrogen technology have been consolidated under a single Examiner, Dr. Bernard Souw, Applicant believes that the PTO is already aware of all information cited in those cases and kindly requests that the Examiner bring to Applicant's attention any information which he knows is not already of record.

This collective treatment of the documents in Applicant's pending applications is consistent with the PTO's present handling of documents, as indicated by Paper No.

20070918 recently filed on September 18, 2007, in U.S. App'n Ser. No. 08/467,911, which includes "Master List of Prior Art Cited in Hydrocatalysis Cases" prepared by the PTO. The citation of that Master List further indicates that the PTO has consolidated all of Applicant's patent applications assigned to his company, BlackLight Power, Inc. (previously known as "Hydrocatalysis"), and that, at least to some extent, it has been tracking and considering all documents cited in those cases. Thus, even though the PTO is already aware of those documents, Applicant and his Counsel have used their best efforts to independently compile and submit all of that information in this case.

Applicant further notes that in all of Applicant's pending applications relating to his lower-energy hydrogen technology, the PTO has made similar rejections under 35 U.S.C. §§ 101 and 112. While different named Examiners are listed in each application, the record shows that Dr. Souw has prepared numerous Appendices and arguments that have been incorporated into Office Actions in all of Applicant's pending applications, including a Consolidated Appendix. Due to the large amount of information elicited and requested by the PTO, to assist the Examiners, Applicant has provided a detailed response summarizing and organizing all submitted arguments, experimental evidence, and the file history, as well as a copy of his detailed response to the Consolidated Appendix, in all of his pending patent applications relating to lower-energy hydrogen technology. No relevant information from any pending application relating to lower-energy hydrogen technology has been intentionally withheld by Applicant from his other pending applications.

Regarding Applicant's submitted and published journal articles, the undersigned has also made every effort to ascertain the latest information regarding which of those articles were posted on the Internet at BlackLight's website and when that posting occurred. A complete, updated listing of articles is provided herewith, which includes this information. Thus, for those articles that were disclosed on the Internet before completion of the peer-review process, the "Internet publication date" has also been included.

Other supplemental information for the PTO's consideration is also being

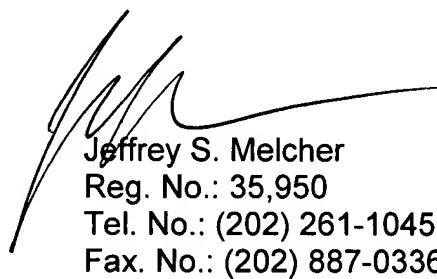
provided herewith based on new information that has recently come to the undersigned's attention in connection with Dr. Phillips' ownership of stock options in BlackLight Power, Inc. Dr. Phillips' prior ties to BlackLight have already been disclosed to the PTO in his Rule 132 Declarations and should be self-evident based upon his being listed as a co-inventor on the face of BlackLight's U.S. Patent No. 6,024,935. To ensure full disclosure, however, the undersigned has advised BlackLight to make that information available and to identify any business or financial relationships it has with any other persons and/or entities that have been involved in generating evidence or preparing articles submitted to the PTO for consideration. BlackLight has provided the undersigned with a list of this information, which is appended hereto as Attachment A. This Attachment was prepared by BlackLight personnel, including its controller and accountant, after extensive searches of the company's financial documents and other records. If there are any persons and/or entities not on the list that should have been included, such omission is inadvertent, as no such information has been intentionally withheld.

Also attached hereto are PTO/SB/O8A and B forms listing information being submitted. While some of the PTO/SB/O8A and B forms filed herewith, and in previous submissions, may refer to "prior art," that should not be taken as an admission that the listed information is in fact prior art. Applicant has not limited his submissions to prior art, but rather, has also included other documents and information that may have a bearing on this case. To cite just one example, the PTO required Applicant to list his published articles on PTO/SB/O8 forms even though Applicant notified the PTO officials imposing this requirement that those articles did not constitute prior art in relation to all of his pending patent applications.

This Information Disclosure Statement is being filed with a Request for Continued Examination and, thus, is timely filed. No further fees are required. Consideration of the foregoing remarks and enclosures, including return of a copy of the attached PTO/SB/08A and B forms with the Examiner's initials in the left-hand column per MPEP § 609, and an early action on the merits of this application are earnestly solicited.

Respectfully submitted,
Manelli Denison & Selter PLLC

By



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